



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,046	07/11/2001	William M. Dovin	END920010022US1 (14549)	9408
7590 06/19/2006			EXAMINER	
Steven Fischman, Esq. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			BASEHOAR, ADAM L	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,046

Applicant(s)

DOVIN ET AL.

Examiner

Adam L. Basehoar

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-25, 28-35, 37-43, 45-51 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-25, 28-35, 37-43, 45-51 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 02/28/06 to the RCE filed 09/02/05.
2. The previous rejections to the claims have been withdrawn as necessitated by Amendment.
3. Claims 1-4, 7-15, 17-25, 28-35, 37-43, 45-51, and 53-58 are pending in the case. Claims 1, 12, 22, 33, 41, 49, and 57-58 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 7-9, 11-13, 17-19, 21-23, 28-30, 32, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (US-6,557,015 04/29/03) in view of Coggeshall, John, "Breadcrumb Navigation", 04/10/01, pp. 1-4,
<http://www zend.com/zend/spotlight/breadcrumb28.php> (Hereafter Zend).

-In regard to independent claims 1, 12, 22, and 57, Bates teaches:

a web server (Fig. 1: 16);

a web browser (Fig. 2: 41) associated with the client (Fig. 1: 12, 14, 20);

Art Unit: 2178

wherein the browser performs the steps of:

generating, at said client, a breadcrumb for each web page downloaded to the web browser associated with the client (column 3, lines 5-11; column 8, lines 61-67)(Fig. 3), the generated breadcrumb including navigation information comprising a URL (column 6, lines 31-43) associated with each web page downloaded by a user;

storing breadcrumbs associated with web pages downloaded to the web page browser at the client (column 3, lines 5-11; column 8, lines 61-67)(Fig. 3);

dynamically updating, at said client, the stored breadcrumbs with the generated breadcrumbs to form a breadcrumb navigation trail (column 2, lines 53-59) of URLs associated with the web pages visited at the website (column 3, lines 5-11; column 8, lines 61-67)(Fig. 3) without downloading from said web server any information describing a web page's location in a web site hierarchy or maintaining web page relationships in the web pages themselves (i.e. only downloading a document's URL and possibly it's title)(Fig. 3: 66 & 68); and

displaying the formed breadcrumb navigation trail for user selection (column 9: Document Trial Display and Use), wherein said displayed breadcrumb navigation trail reflects a correct order of a user's navigation through an information space of the website (column 3, lines 5-11; column 8, lines 61-67; column 17, lines 7-15).

Bates does not specifically teach embedding a browser script into a downloaded web page, the browser script for generating the breadcrumbs to be displayed on each downloaded web page. Zend teaches embedding a browser script in a web page to generate breadcrumbs (Page 2: The Script → Page 4: Code Flow) to be displayed on each downloaded web page (Page 1: Introduction). It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2178

invention for Bates to have used a browser script to display breadcrumbs, because Zend taught that doing so was an effective solution for dynamically creating breadcrumbs (i.e. supposed to hard-coded) and that reorganization of a given website would not require a reworking of the entire navigation system (Page 1: Leaving Breadcrumbs).

-In regard to dependent claims 2, 13, and 23, Bates teaches where the navigation info includes a title (Fig. 3: 66: "Title")(column 8, lines 2-4) and a URL (Fig. 3: 68: "URL")(column 6, lines 36-43) for each downloaded web page.

-In regard to dependent claims 7, 17, and 28, Bates teaches determining whether the breadcrumb for each downloaded web page was already stored at the client (column 17, lines 7-15).

-In regard to dependent claims 8, 18, and 29, Bates teaches removing the breadcrumb and subsequent breadcrumbs from the stored breadcrumbs if the breadcrumb was determined to be stored at the client (column 17, lines 7-15).

-In regard to dependent claims 9, 19, and 30, Bates teaches appending the breadcrumb to existing breadcrumbs stored at the client to form the breadcrumb navigation trail if the breadcrumb was not already stored at the client (column 3, lines 5-11; column 8, lines 61-67; column 9, line 1; column 17, lines 7-15).

-In regard to dependent claims 11, 21, and 32, Bates teaches iterating thru the breadcrumbs in the breadcrumb navigation trail (column 9: Document Trail Display and Use). Bates does not specifically teach displaying a last breadcrumb in the breadcrumb trail as plain HTML and displaying preceding breadcrumbs as HTML links to the corresponding web pages. Zend teaches displaying a last breadcrumb in the breadcrumb trail as plain HTML (Page 1: Introduction: "Code Gallery Spotlight") and displaying preceding breadcrumbs as HTML links to the corresponding web pages (Page 1: Introduction: "Home", "Columns"). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to have displayed its navigation trail as disclosed by Zend, because Zend teaches by providing HTML links to past visited pages, a user may easily traverse back to earlier pages simply by selecting the HTML link (Page 1: Introduction).

6. Claims 33-34, 37-42, 45-50, 53-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (US-6,557,015 04/29/03) in view of Coggeshall, John, "Breadcrumb Navigation", 04/10/01, pp. 1-4, <http://www.zend.com/zend/spotlight/breadcrumb28.php> (Hereafter Zend) in further view of Wecker (US-5,806,077 10/08/98).

-In regard to independent claims 33, 41, 49, and 58, Bates teaches:

a web server (Fig. 1: 16)

a web browser (Fig. 2: 41 associated with the client (Fig. 1: 12, 14, 20);

wherein the browser performs the steps of:

generating, at said client, a breadcrumb for each web page downloaded to the web browser associated with the client (column 3, lines 5-11; column 8, lines 61-67)(Fig. 3), the generated breadcrumb including navigation information comprising a URL (column 6, lines 31-43) associated with each web page downloaded by a user;

storing breadcrumbs associated with web pages downloaded to the web page browser at the client (column 3, lines 5-11; column 8, lines 61-67)(Fig. 3);

dynamically updating, at said client, the stored breadcrumbs with the generated breadcrumbs to form a breadcrumb navigation trail (column 2, lines 53-59) of URLs associated with the web pages visited at the website (column 3, lines 5-11; column 8, lines 61-67)(Fig. 3) without downloading from said web server any information describing a web page's location in a web site hierarchy or maintaining web page relationships in the web pages themselves (i.e. only downloading a document's URL and possibly it's title)(Fig. 3: 66 & 68); and

displaying the formed breadcrumb navigation trail for user selection (column 9: Document Trial Display and Use), wherein said displayed breadcrumb navigation trail reflects a correct order of a user's navigation through an information space of the website (column 3, lines 5-11; column 8, lines 61-67; column 17, lines 7-15).

Bates does not specifically teach embedding a browser script into a downloaded web page, the browser script for generating the breadcrumbs to be displayed on each downloaded web page. Zend teaches embedding a browser script in a web page to generate breadcrumbs (Page 2: The Script → Page 4: Code Flow) to be displayed on each downloaded web page (Page 1: Introduction). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to have used a browser script to display breadcrumbs, because Zend taught

Art Unit: 2178

that doing so was an effective solution for dynamically creating breadcrumbs (i.e. supposed to hard-coded) and that reorganization of a given website would not require a reworking of the entire navigation system (Page 1: Leaving Breadcrumbs).

Bates does not teach setting a time stamp corresponding to the breadcrumb navigation trail and storing it at the client, determining whether a time interval between the time stamp and the time a newly downloaded web page was received exceeds a threshold, and displaying the navigation trail on the downloaded web page if the time interval exceeds the threshold. Wecker teaches setting a time stamp corresponding to breadcrumb navigation trail (footprint time stamp of each visited link)(column 1, lines 64-67) and storing it at the client (column 4, lines 42-43)(Fig. 1: 10), determining a time interval between the time stamp (Fig. 3: "Last Visit") and the newly downloaded web page (column 1, lines 66-67) to see if it exceeds a threshold (column 4, lines 54-63), and displaying a navigation trail on the downloaded web page (i.e. footprints or marker: Fig. 2: 26) if the time interval exceeds the threshold (column 5, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to have saved a time stamp and computed a time interval and threshold as shown in Wrecker, because Wrecker teaches by doing so the user was given more control via a prompt to edit the navigation trail to their personal preferences (column 4, lines 54-58 & 63-66)(Fig. 3).

-In regard to dependent claims 34, 42, and 50, Bates teaches where the navigation info includes a title (Fig. 3: 66: "Title")(column 8, lines 2-4) and a URL (Fig. 3: 68: "URL")(column 6, lines 36-43) for each downloaded web page.

-In regard to dependent claims 37, 45, and 53, Bates and Zend do not teach defining the threshold within the browser script of each downloaded web page. As discussed above in the rejection of the independent claims 33, 41, 49, and 58, Wrecker teaches establishing a time-based threshold (column 4, lines 54-63) to help manage the user display.

-In regard to dependent claims 38, 46, and 54, Wecker teaches prompting a user (Fig. 3) regarding whether the user would like to resume navigation according to the breadcrumb navigation trail (column 4, lines 54-58), to help the user better manage the user display.

-In regard to dependent claims 39, 47, and 55, Wrecker teaches if the user chooses to resume navigation according to the trail (i.e. the user decides not the "Clear" the trail)(column 4, lines 54-58), the method further sets the time stamp associated with the breadcrumb navigation trail to the time associated with the downloading of the web page (i.e. a time stamp would be stored for the resumption of the trail and be saved to a file (Fig. 1: 10) as the "Last Visit" date) (Fig. 3) according to navigation information of a last breadcrumb in the breadcrumb navigation trail (column 4, lines 32-41) and storing the time stamp at the client (column 4, lines 42-43).

-In regard to dependent claims 40, 48, and 56, Wrecker teaches if the user chooses not to resume navigation according to the trail (i.e. the user decides to "Clear" the trail)(column 4, lines 54-58), the method deletes all breadcrumbs stored at the client (column 4, lines 55-58) and storing a breadcrumb generated for the subsequent downloaded web page at the client (column 4,

Art Unit: 2178

lines 42-43) to form a new breadcrumb navigation trail (i.e. the subsequent "first visit" time would be stored)(column 4, lines 36-38);

setting the time stamp to the time associated with the subsequent downloaded web page and storing the time stamp at the client (column 4, lines 36-41)(Fig. 1: 10); and

displaying the new breadcrumb navigation trail on the subsequent downloaded web page (Fig. 2: 26).

7. Claims 3-4, 10, 14-15, 20, 24-25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (US-6,557,015 04/29/03) in view of Coggeshall, John, "Breadcrumb Navigation", 04/10/01, pp. 1-4, <http://www.zend.com/zend/spotlight/breadcrumb28.php> (Hereafter Zend) in further view of Privacy Compliance Resources, "Cookies," 02/10/01, pp. 1, http://web.archive.org/web/20010210192514/http://www.idcide.com/pages/res_term.htm.

-In regard to dependent claims 3, 14, and 24, Bates does not teach creating a client-side cookie for storing the breadcrumbs associated with web pages downloaded to the web browser. Privacy Compliance Resources teaches that cookies were small text files that Web sites place in your computer. It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to store the breadcrumbs as client-side cookies, because Privacy Compliance Resources teaches that cookies help user browsers remember specific information and remind users what they had already traversed on the web, which would have allowed the users of Bates to go back to a given page and see a quick reference to the path of interest they had followed to get there.

-In regard to dependent claims 4, 15, and 25, Bates teaches providing the title associated with each downloaded web page (Fig. 3: 66: "Title")(column 8, lines 2-4). Bates does not specifically teach wherein the title was displayed within each downloaded web page. Zend teaches displaying a title of each downloaded web page in the navigation trail (Page 1: Introduction: "Home", "Columns", "Code Gallery Spotlight"). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to have displayed its navigation trail as disclosed by Zend, because Zend teaches by providing the titles of the downloaded web pages, a user may easily understand the concepts of the past visited web pages (Page 1: Introduction).

-In regard to dependent claims 10, 20, and 31, Bates does not teach determining whether the client has a client-side cookie and creating the client-side cookie if the client does not have it; and setting a breadcrumb generated for a downloaded web page into the client side cookie. As discussed above in the rejection of claims 3, 14, and 24, Privacy Compliance Resources teaches that cookies were small text files that Web sites place in your computer. It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to store the breadcrumbs as client-side cookies, because Privacy Compliance Resources teaches that cookies help user browsers remember specific information and remind users what they had already traversed on the web, which would have allowed the users of Bates to go back to a given page and see a quick reference to the path of interest they had followed to get there.

Art Unit: 2178

8. Claims 35, 43, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (US-6,557,015 04/29/03) in view of Coggeshall, John, "Breadcrumb Navigation", 04/10/01, pp. 1-4, <http://www.zend.com/zend/spotlight/breadcrumb28.php> (Hereafter Zend) in further view of Privacy Compliance Resources, "Cookies," 02/10/01, pp. 1, http://web.archive.org/web/20010210192514/http://www.idcide.com/pages/res_term.htm, in further view of Wecker (US-5,806,077 10/08/98).

-In regard to dependent claims 35, 43, and 51, Bates does not teach creating a client-side cookie for storing the breadcrumbs associated with web pages downloaded to the web browser. Privacy Compliance Resources teaches that cookies were small text files that Web sites place in your computer. It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to store the breadcrumbs as client-side cookies, because Privacy Compliance Resources teaches that cookies help user browsers remember specific information and remind users what they had already traversed on the web, which would have allowed the users of Bates to go back to a given page and see a quick reference to the path of interest they had followed to get there.

Bates further does not teach storing a time stamp in the cookie. Wrecker teaches storing a breadcrumb time stamp local to the client (column 3, lines 38-44)(Fig. 1: 10). It would have been obvious to one of ordinary skill in the art at the time of the invention for Bates to have stored a time stamp in the client side cookie, because Wrecker teaches storing a breadcrumb time stamp could be used to determine the last and first user visits to a downloaded web page (column 4, lines 36-41 & 58-67).

Response to Arguments

9. Applicant's arguments with respect to claims 1, 12, 22, 33, 41, 49, 57, and 58 have been considered but are moot in view of the new ground(s) of rejection.

-In regard to Applicant's Remarks, the Examiner first wishes to point out that in the previous office action, claims 1-2, 7-9, 11-13, 17-19, 21-23, 28-30, 32, and 57 were not rejected under 35 U.S.C. 102(b) as being anticipated by Yahoo Screen Pages in view of the Bates reference as indicated by Applicant (Remarks: Page 22), but rather were rejected under 35 U.S.C. 103(a) as being unpatentable over the Yahoo Screen Pages in view of the Bates reference. The Examiner also notes that it appears the Applicant has misrepresented Fig.2, step 212, (Remarks: Page 25: "in response to navigating.....breadcrumb 'cookie'") in that breadcrumbs are only deleted if the breadcrumb associated with the current navigated web page are in the information retrieved from a breadcrumb "cookie"(Fig. 2: 210).

-In general, regarding the rejection of the claims, the Examiner agrees with the Applicant that the newly added limitations overcome the previous rejection in view of the Yahoo reference. However the Examiner believes said new rejection in view of the Bates et al and Zend references teach all of said newly added limitations.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2178

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,633,316	10-2003	Maddalozzo et al.
US-5,717,860	02-1998	Graber et al.
US-5,712,979	01-1998	Graber et al.

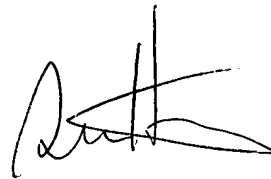
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

A handwritten signature in black ink, appearing to read 'Stephen Hong', with a stylized, sweeping flourish at the end.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER